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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 August 1998, at 3 p.m.

Chairman: Mr. GUISSÉ

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GE.98-13830 (E)

The meeting was called to order at 3.10 p.m.

ORGANIZATION OF WORK:

(c) METHODS OF WORK OF THE SUB-COMMISSION (agenda item 1) (continued)

1. Mr. ALFONSO MARTÍNEZ said he understood that the deadline for submission of draft resolutions under agenda item 2, previously set at 10 a.m. that morning (Friday), had been extended by the Bureau without an official announcement. Had he been present at the Bureau meeting, he would have argued against an extension although he would, of course, have accepted the decision of the majority.

2. The CHAIRMAN said that the experts involved in drafting resolutions or who intended to submit draft resolutions had requested time to arrange meetings with representatives of the Governments of the countries concerned to ascertain how the draft resolutions might be implemented. Where the parties involved were willing to negotiate, it was thought preferable to reach an amicable agreement than to adopt an over-rigid approach. The Bureau had unanimously acceded to the request.

3. Mrs. WARZAZI said that she had requested an extension until the following Monday morning so that negotiations on two or three draft resolutions could take place over the weekend. The Chairman had feared that an announcement of the extension might entail delays in the finalization of all draft resolutions. She apologized to Mr. Alfonso Martínez for any inconvenience resulting from the decision.

4. Mr. ALFONSO MARTÍNEZ said he objected to the unofficial extension of the deadline. Transparency in the Sub-Commission's procedures was essential, especially at a time when it was under scrutiny by the Commission on Human Rights.

CONTEMPORARY FORMS OF SLAVERY (agenda item 6) (continued)
(E/CN.4/Sub.2/1998/12, 13 and 14; E/CN.4/Sub.2/1998/NGO/6;
E/CN.4/Sub.2/1998/CRP.1)

5. Ms. BAILEY-WIEBECKE (Pax Romana) said that the rape that had been organized on higher orders during the riots in Indonesia was a form of torture and, because of its systematic nature, a crime against humanity. The Indonesian Government's apology could not therefore be accepted. The authorities must take genuine action to bring the culprits to justice and to dismantle the structures in the armed forces that were the root cause of the abhorrent events. Gang rapes had continued from mid-May to mid-July 1998, initially targeting ethnic Chinese women and subsequently extending to the wider population and to human rights activists. The Team of Volunteers of Humanitarian Causes, rape victims and their families had received death threats and threats of abduction for exposing the truth about the gang rapes. According to reports by non-governmental organizations (NGOs), 625 rapes had occurred in Aceh, northern Sumatra, over the past seven years.

6. There had been many complaints of rape, molestation and other forms of sexual abuse by the Indian army against the Jammu women of Kashmir during counter-insurgency operations.

7. Reports of rape of Tamil women by the Sri Lankan armed forces were on the increase. Of the thousands of cases reported, only one had led to a conviction. Victims feared reprisals and were reluctant to lodge complaints with the forces who had been responsible for the rapes. In a recent incident, a young Tamil woman had been gang-raped and murdered because she refused to marry a Sinhalese soldier.

8. In the community of Taniperlas in the State of Chiapas, Mexico, 190 women had been threatened with rape in April 1998 by paramilitary forces, supported by the security forces, unless they and their families came out of hiding.

9. Her organization urged the Sub-Commission to renew the mandate of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflicts for one year so that she could visit the countries mentioned and support the establishment of a fact-finding body on systematic rape.

10. Mr. YESSA (Anti-Slavery International) said that, following a televised interview with the Chairman of SOS-Esclaves, a Mauritanian anti-slavery association, on a French channel, four leaders of human rights NGOs had been arrested in Mauritania in January 1998 and subsequently sentenced to 13 months' imprisonment and a fine. He himself had been sentenced in absentia. However, thanks to a large-scale international campaign, the Mauritanian Head of State had granted a "pardon" on the day that the judgement was confirmed.

11. Members of any of 12 Mauritanian human rights NGOs could be charged with "membership of illegal organizations" and were subjected to police intimidation if they spoke out on the issue of slavery. Applications by SOS-Esclaves and the Mauritanian Human Rights Association (AMDH) for legal recognition as associations had been turned down by the Government although they had observer status with the African Commission on Human and Peoples Rights. The Government was not pursuing a pro-slavery policy but its silence and inaction allowed the practice to continue and its practitioners to enjoy impunity.

12. In December 1997, 10 boys aged between 4 and 6 years who had been sold to a buyer in the United Arab Emirates for use as camel jockeys had been repatriated from Mali to Mauritania. The Mauritanian authorities had restored them to their families but had taken no legal action. That was not an isolated case. Also in December 1997, a sale of 40 slaves, mostly women and children, had taken place in a locality close to the border with Mali. The Mauritanian authorities had again taken no action against the slave traders. Slave markets were held about once a year and the victims were forced to remain silent by the police. Certain Mauritanian families still regarded themselves as owners of hundreds of slaves.

13. SOS-Esclaves was unable to bring criminal indemnification proceedings and had difficulty in encouraging slaves to take legal action. There was no specific crime of slavery and hence no provision for punishment under Mauritanian law. However, victims of caste servitude, both slaves and emancipated slaves, were increasingly inclined to politicize their struggle for equality. The Government's irresponsible attitude added to the threat of internal instability. He urged the Sub-Commission to address the issue in terms of conflict prevention. He would also welcome comments by the Mauritanian authorities on the abuses he had described.

14. Ms. PARKER (International Educational Development, Inc.) having commended the report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict (E/CN.4/Sub.2/1998/13), said that war rape had been recognized as a war crime for several centuries and was also a form of torture and inhumane treatment. The Japanese Government still refused to pay compensation to war-rape victims, repeating its legally unsound and insulting excuses despite intensive action in the Commission on Human Rights and the Sub-Commission.

15. Her organization urged the Working Group on Contemporary Forms of Slavery to address the issue of prison labour, especially uncompensated or grossly undercompensated labour. There had been widespread allegations of prison slave labour in China and there was compelling evidence from a former prisoner that uncompensated labour existed in at least one Japanese detention centre. Such practices were also prevalent in other countries. Privatized prisons called for special scrutiny as profit-making enterprises.

16. The Working Group should also investigate credible allegations of continuing slave labour in Myanmar, particularly as part of a pipeline project involving international oil companies. A member of her organization who had been investigating the allegations had recently been arrested by the authorities. She welcomed the withdrawal from Myanmar of the Atlantic Richfield company and hoped that other companies would follow suit.

17. Mr. KANE (African Commission of Health and Human Rights Promoters) said that slavery persisted not only in traditional forms but also in more subtle ways whose traumatic consequences were suffered by the victims for the rest of their lives.

18. Children from Portugal and illegal immigrant children from the Balkans, Asia and Africa continued to be employed illegally in Western Europe. According to a French newspaper, 100,000 Haitian children were sold each year to rich families. The discovery by the Malian authorities of a child trafficking network from Mauritania via Bamako in November 1997 confirmed that slavery continued to exist in that country. The leader of the anti-slavery movement El Hor in Mauritania had recently described the sale of 40 slaves in payment of a debt incurred by their master.

19. In the Sudan, a large proportion of the Nuba, Nuer and Dinka communities had been reduced to slavery. Natives of the Nuba Mountains had been forced by a food deprivation policy to migrate in order to avoid servitude.

20. In El Salvador, hundreds of thousands of women were employed as quasi-slaves in maquiladora companies. According to a recent report, over 60 per cent of the female "employees" had become unmarried mothers, because prostitution was an unwritten clause in their employment contract.

21. As companies from the North were transplanted to the South, entire societies suffered the indignities of exploitation. In that connection, he welcomed the activities of the Working Group on Contemporary Forms of Slavery and of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, which was unfortunately extremely short of funds.

22. His own organization had launched a Support Programme (1998-2002) for local cooperative structures designed to eradicate contemporary forms of slavery. The international community must find the political and financial means to address such issues and United Nations bodies must take forceful action through the adoption of resolutions and the establishment of monitoring units in certain countries to assess progress in the eradication of slavery.

23. Mr. KWON Jong-Sung (Liberation) said he welcomed the final report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict (E/CN.4/Sub.2/1998/13). The appendix in particular was very important and demonstrated the legal liability of the Japanese Government in the "comfort women" issue. However, in Japan, serious misunderstandings of the issue were being fuelled by the media and some members of the Government. The facts would be verifiable only when Japan made public the official documents that were still classified, particularly those of the Ministry of Home Affairs, which was believed to have been involved in recruiting "comfort women" and running "comfort stations".

24. Recommendations such as those contained in the report had thus far been ignored by Japan, which had instead set up the Asian Women's Fund, a move widely regarded as a means of evading responsibility. There was evidence of inconsistency in the Japanese Government's position and he called upon the Sub-Commission to adopt the report and recommend that the Japanese Government make public hitherto classified documents relating to the issue.

25. Mr. SISSON (International Fellowship of Reconciliation) said that his organization had welcomed the report on military sexual slavery by the Commission's Special Rapporteur, (E/CN.4/1998/54 and Add.1) and the general recommendations it contained for preventing a recurrence of such state violence in the future. The Japanese Government had both a moral and a legal responsibility to acknowledge the violation of international law on the part of the Japanese Imperial Government which, in 1932, had ratified International Labour Organization (ILO) Convention No. 29 on forced and compulsory labour. The Sub-Commission's Special Rapporteur had reached similar conclusions in her report (E/CN.4/Sub.2/1998/13), particularly with regard to the controversial Asian Women's Fund. The report's recommendation that the Commission on Human Rights should cooperate with the Japanese Government in gathering evidence on those involved in "comfort stations" was, however, unlikely to succeed unless the official documents were made available.

26. Although the "comfort women" issue vividly symbolized the violation of human dignity and integrity typical of all forms of slavery, it remained controversial. For progress to be made, the strategies of confrontation hitherto adopted would have to give way to strategies for reconciliation. That could best be achieved within the framework of a suitably mandated truth and reconciliation commission. He urged the Sub-Commission to welcome the final report of the Special Rapporteur; to extend her mandate for a further year and ensure widespread distribution of the report; and to take note of the truth commission model as a possible framework for the establishment of a panel of experts, as recommended by the Special Rapporteur.

27. Mr. YOSHIDA (Asian Women's Human Rights Council) said that the new Japanese Minister of Agriculture, Forestry and Fishery, had cast doubt on the Japanese Army's role in the forced abduction of "comfort women" and insisted that references to "comfort women" should be deleted from school textbooks. Although the Minister had subsequently accepted the Government's view admitting army responsibility, it was important to note that a group of Japanese politicians took the view that Japan's involvement in the Second World War had helped in the emancipation of Asian countries.

28. The group had requested the Ministry of Education to tighten up the textbook screening system - the aim of which was to ensure that the authorized textbooks teachers were obliged to use in the classroom met the requirements of the official syllabus - so as to delete references to the "comfort women". That request ran counter to the recommendation made in the report of the Commission's Special Rapporteur, (E/CN.4/Sub.2/1998/54 and Add.1), that reference should be made to such practices in school textbooks in order to prevent their recurrence. The Japanese people had been prevented from obtaining a grasp of the issue by a system of censorship that allowed a revisionist view of the question to survive. The Japanese Government had a duty to the international community to abolish that system.

29. Ms. VERZEGNASSI (European Union of Public Relations) said that child labour, the sale of children and child prostitution were still prevalent in various parts of the world. In Pakistan, for example, it was estimated that there were over 3 million child workers, aged between 5 and 14, including 1 million girls, that widespread sexual abuse of children aged between 6 and 11 occurred and that an estimated 40,000 boys were in the sex trade. Child labour and prostitution, the products of rapid population growth, poverty, illiteracy and unemployment, in combination with rising material expectations, were encouraged by nationals of the developed countries, putting the future of mankind in jeopardy, since traumatized children would pass on their traumas to their offspring.

30. The child sex trade illustrated the effect of market forces at their worst. The only remedy was to tackle the demand for such services through the criminal courts, but modern legal systems had hitherto proved ineffective. The international community, through the Sub-Commission, should require Governments to amend their legal structures in order to deal with those found guilty of child abuse as severely as those found guilty of homicide, since they killed the souls of children.

31. Mr. ABDELBAGI (World Federation of Democratic Youth) said that, although he had some reservations concerning the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1998/14), there could be no doubt that the Working Group was doing an important job. It should be aided in its work by better timing and sufficient funding.

32. Slavery and slavery-like practices continued to be widespread in parts of Sudan and in Mauritania. Sudan did not respect any of the agreements it had signed on the abolition of slavery, slavery-like practices and institutions. Thousands of people in southern Sudan and the Nuba Mountains, primarily young women and children, were being enslaved by tribal militiamen from the north. The situation had been exacerbated by the current fundamentalist regime.

33. In Mauritania, it had been estimated that 90,000 or more Afro-Mauritanians lived in slavery or slavery-like conditions, despite the fact that Mauritania had officially abolished slavery. Legislation had not been backed up by effective measures to rehabilitate and empower the victims or to inform them of their rights. His organization believed that the Government of Mauritania was fully aware of the situation but preferred the status quo in order to maintain the political power and wealth of the Arab-Berber minority.

34. Lastly, he condemned those African Governments which, in complicity with, inter alia, the United States of America and the United Kingdom, had contributed at the fifty-fourth session of the Commission on Human Rights to the withdrawal of a draft resolution recognizing and apologizing for the transatlantic slave trade as a crime against humanity.

35. Mr. THIAGARAJ (Commission of the Churches on International Affairs of the World Council of Churches) said he wished to draw attention to caste-based discrimination and violence against India's untouchables, the Dalits, who had lived in dehumanized conditions for over 2,000 years. Although the Government had outlawed the concept of untouchability, the legislation was not enforced. Dalits, who carried out the traditionally unclean occupations, were viewed as occupying the lowest rung of the social ladder and denied development opportunities, living in segregated colonies without access to drinking water or roads. Abject poverty forced the women, in particular, into hard manual or agricultural labour or institutionalized prostitution.

36. Despite the Government's assurances to the Special Rapporteur on religious intolerance that a proposal to end discrimination against Dalit Christians would be put before Parliament, no action had yet been taken. He urged the Sub-Commission to undertake a study on caste-based discrimination and its manifestations in contemporary forms of slavery in the south Asian region.

37. Ms. McCONNELL (North-South XXI) said that the State-supported Sinhalese armed forces had, for the past 50 years, been making regular and systematic use of rape to break the will of the Tamil community and force it into submission. Meanwhile, country reports to the treaty bodies focused on the situation of Sinhalese women, giving the impression of progress in women's

rights. In that way, a racial dictatorship, under the guise of democratic procedures, could claim to speak on behalf of the very people it oppressed and conceal the real situation of a disempowered people within a multi-nation State from the international community.

38. The rape and murder of an 18-year-old Tamil schoolgirl had received wide international publicity, but only because she happened to have relatives in Colombo and London. She had been gang-raped by 11 members of the security forces on her way home from an examination, and her body dismembered. Other members of her family and a neighbour were also brutally murdered when they came to look for her. The incident had formed the subject of a showpiece trial in Sri Lanka, and the Government had been forced to exhume the bodies from a place where up to 400 others had been buried. Despite convictions, no change had been made to legislation, and rape by the security forces had continued unabated in the year following the trial.

39. The most atrocious of the recent crimes perpetrated by the Sinhalese armed forces included the gang rape of a six-year-old Tamil girl in September 1997, and the gang rape in January 1998, of a 17-year-old Tamil girl which had left her paralysed from the waist down. In some cases, women had died after being raped while in other cases they had committed suicide. Most cases never came to the attention of the international community.

40. In view of the fact that a racially and politically dominant group was using rape as a systematic weapon of war, the Sub-Commission should request the withdrawal of Sri Lankan forces from the Tamil people's homeland, extend the Special Rapporteur's mandate for another year, and propose that she be sent on a fact-finding mission to Sri Lanka.

41. Ms. SHIN Heisoo (World Alliance of Reformed Churches) said that her organization had regularly drawn the attention of the United Nations to the situation of hundreds of thousands of Asian and Dutch women once enslaved to the Japanese military. Reproductions of watercolours by three of the Korean victims would be posted to each expert member of the Sub-Commission as a reminder of the atrocities suffered. The Government of Japan must be urged to accept legal responsibility for the crimes and pay compensation to the victims.

42. The Sub-Commission should adopt a resolution calling for widespread dissemination of the Special Rapporteur's report (E/CN.4/Sub.2/1998/13), the submission of progress reports by the Governments concerned to the Secretary-General, the establishment of an international panel of experts to prosecute war criminals and compensate victims, and further study by the Special Rapporteur on ways of implementing her recommendations.

Statements equivalent to the right of reply

43. Mr. MAHMOUD (Observer for Sudan) said that he regretted having to refer once again to the malicious smear campaign waged by an NGO against his country. That NGO had long been using its considerable resources to tarnish the image of a people renowned for respecting the dignity of their fellow citizens.

44. As a State party to both the Slavery Convention of 1926 and the Supplementary Convention of 1956, Sudan strongly condemned slavery and slavery-like practices wherever they occurred, and had legislated against slavery in its Constitution. His Government had established a committee which had toured most of the areas in which slavery or slavery-like practices had been alleged to have occurred. No evidence had been found to substantiate the allegations. Monitoring continued, and the international community would be kept informed.

45. Independent human rights groups had criticized the fabricated slave-trade scenarios which had reportedly, moreover, been carried out in rebel-controlled areas. In 1997, African Rights had found that there was "no evidence for centrally organized, government-directed slave raiding or slave trade" and had denounced "misinformed" human rights advocates in Europe and the United States; Anti-Slavery International had reported that the charge that government troops were engaged in slave raiding was "not backed by evidence". Lord McNair of the British House of Lords, after visiting the Sudan in October 1997, had concluded that there was "a possibility of a deliberate campaign from some quarters to discredit the Government" and, having found no evidence of the practice, that there was "no slavery, certainly within North and South Kordofan which had been the focus of many of the allegations".

46. His Government would provide logistic support to reach any site to all those interested in ascertaining the truth. An open invitation to visit Sudan was extended to the members of the Working Group.

47. Mr. MINE (Observer for Japan) said that his Government had "sincerely addressed and settled" the issues relating to the Second World War in compliance with the San Francisco Peace Treaty and other relevant bilateral and international agreements. Some 80 former "comfort women" had received a Letter of Apology and Remorse from the Prime Minister of Japan in recognition of the serious affront to their honour and dignity. The same number had received an Atonement of 2 million Yen from the Japanese People.

48. The Government had also provided considerable financial resources to the Asian Women's Fund (AWF), pledging 700 million yen (over 5 years) for medical and welfare projects in the Republic of Korea, the Philippines and Taiwan, 380 million yen (over 10 years) for an Indonesian project targeting elderly people and 255 million yen (over 3 years) for a new project in the Netherlands aimed at improving the living conditions of Second World War victims.

49. His Government had also provided funds to AWF for various activities relating to contemporary women's issues, including the establishment of international forums, support for NGOs and for research on the issue of "comfort women". Reference was also made to the issue in school textbooks.

50. While noting the value of the Special Rapporteur's report on systematic rape, sexual slavery and slavery-like practices during armed conflict (E/CN.4/Sub.2/1998/13), his Government did not agree with the legal interpretations expressed in its appendix. It was unable to accept the conclusions and recommendations requesting that it take steps to provide

redress beyond that which it was already undertaking. Furthermore, the Sub-Commission was not the appropriate forum for discussing specific legal issues and rendering decisions as to liability. It was more important to focus on what could actually be done for the former "comfort women", considering their advanced age.

51. His Government continued to cooperate with the AWF and to make efforts to seek the understanding of the authorities and peoples of the countries and territories concerned. It was to be hoped that the conclusions of the Sub-Commission would be consistent with its positive resolutions of the past.

52. Mr. Man Soon CHANG (Observer for the Republic of Korea) said he strongly welcomed the Special Rapporteur's report (E/CN.4/Sub.2/1998/13), particularly the focus in its appendix on the governmental liability for the sexual slavery of over 200,000 young women by the Imperial Japanese Army during the Second World War. The continuing suffering and humiliation of the former "comfort women" could not be dismissed as mere history. A just and honourable resolution of the issue would help to protect future generations of women in armed conflicts, and would set an important precedent for addressing such egregious crimes if they were ever to be attempted again.

53. The Japanese Government, as a responsible member of the international community, was urged to satisfy the collective demands of the victims by making a sincere apology and expressing its deep regret for the inhumane acts committed by Imperial Japan during the Second World War. The measures taken by the privately-established Asian Women's Fund (AWF), besides being insufficient, did not fully relieve government responsibility.

54. In an attempt to relieve the practical needs of the Korean victims, his Government had decided, on 21 April 1998, to allocate 31.5 million won (approximately US$ 25,000) to each surviving woman, with an additional 7.5 million won (approximately US$ 6,000) from NGO funds. Financial compensation did not, however, suffice. The women concerned desired that their honour and dignity be restored within their lifetimes; that desire could be met only by the Japanese Government's admission of responsibility for past wrongdoing. The recommendations of the report were thus to be welcomed.

55. Mr. LEPATAN (Observer for the Philippines) said that, while noting the efforts made by the Japanese Government to fulfil its moral responsibilities, his Government recognized both the delicacy and urgency of the issue, considering the advanced age of the individuals concerned. The Japanese Government-funded Asian Women's Fund (AWF) had made serious efforts to identify former "comfort women" in collaboration with the Philippine Task Force on Former Comfort Women (PTCFW) and had administered welfare services in coordination with the Department of Social Welfare and Development.

56. The Japanese Government was also to be commended for seeking to address contemporary women's issues by providing support to NGOs, conducting research on women's rights and establishing international forums, including a symposium on trafficking and commercial sexual exploitation of women and children.

57. However, while his Government would continue to cooperate with the AWF, it wished to reiterate its recognition of the individual rights of the former "comfort women" to seek legal redress and compensation from the Government of Japan.

58. Mr. EIDE, having welcomed the report of the Working Group on Contemporary Forms of Slavery on its twenty-third session (E/CN.4/Sub.2/1998/14) and expressed his appreciation to those countries which had taken resolute action to put an end to slavery-like practices, said that the condemnation of such practices by religious leaders was also most gratifying. It was somewhat surprising, however, that certain members of the Commission on Human Rights argued that the Working Group was no longer serving a useful purpose, especially since it dealt with such (regrettably) topical issues.

59. The allegations concerning the Sudan had been well-documented by NGOs and confirmed by the Special Rapporteur on the country in question. Such crimes fell under the jurisdiction of the International Criminal Court and it was to be hoped that the perpetrators would eventually be brought to justice. Other issues taken up by the Working Group, such as the traffic in women and girls for sexual exploitation and the misuse of the Internet, were matters which also deserved the Sub-Commission's support.

60. The final report by the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict (E/CN.4/Sub.2/1998/13) was to be welcomed since it documented a matter which continued to be of great significance. Even at the end of the twentieth century, such crimes against humanity persisted.

61. Unfortunately, rape was still a frequent phenomenon, even in the absence of armed conflict, and more effective action had to be taken to prevent it, and to deal with the failings of municipal law and procedure such as the gender-based discrimination codified in various justice systems around the world. Evidentiary laws according less weight to evidence if presented by a woman, evidentiary laws in rape and social assault cases which required women to provide corroborating testimony from men, and substantive laws which provided that a married woman who was unsuccessful in proving that she had been raped could then be charged with adultery were phenomena that eliminated the possibility of effective redress. Those kinds of law and practice must be re-evaluated and reformed.

62. As for rape during armed conflict, systematic rape had been included in the jurisdiction of the International Criminal Court both as a crime against humanity and as a war crime. It was a high priority that all members of armed forces of every kind should be effectively disciplined and warned at the outset of the responsibility they had to face for war crimes and crimes against humanity. It was essential to ensure that effective punishment took place - if not at the national level then at the International Criminal Court. He took the opportunity to urge those countries which had not supported the adoption of the statute of the International Criminal Court to change their minds and do so as soon as possible.

63. He proposed that the Sub-Commission's sessional working group on the administration of justice should monitor the administration of justice of the International Criminal Court, particularly with respect to its role in the prevention of impunity. The Special Rapporteur might prepare a proposal for mechanisms, including perhaps a thematic rapporteur, to deal specifically with the occurrence of systematic rape, collect information on such practices and report back to the Sub-Commission or the Commission.

64. Mr. FAN Guoxiang said he fully endorsed the statements in the final report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict (E/CN.4/Sub.2/1998/13) to the effect that, after having denied for many years the direct involvement of the Japanese military in establishing and supervising rape centres during the Second World War, the Japanese Government had finally recognized the extent of such involvement and had recently offered a number of public apologies for the "problem" of the "comfort women". Despite those apologies and admissions, however, it continued to deny legal liability for the Japanese military's actions with respect to the "establishment and management" of the comfort stations, and had in July 1995 established the Asian Women's Fund (AWF) "to protect women's human rights in Japan and the world". He endorsed the Special Rapporteur's recommendations that there was a need for mechanisms to ensure criminal prosecutions - with the involvement of the High Commissioner for Human Rights - and for mechanisms to provide legal compensation, but that the AWF could not replace the role to be played by the Japanese Government. He also endorsed her conclusion that the Japanese Government remained liable for grave violations of human rights and humanitarian law which amounted in their totality to crimes against humanity.

65. A clear distinction must be made between the Japanese Government and the Japanese people. It was for the Government to be held responsible for war crimes during the Second World War, not for the Japanese people who had also been victims of the then military leadership of Japan. Confusing the responsibilities was unfair and could not be established legally. The Japanese Government should be responsible politically and morally, and also legally: the AWF could not be asked to deal with the matter.

66. The Japanese Government had certainly done something, but it was far from being enough; it was only natural for experts and NGOs to express their comments and criticisms, and the Japanese Government should take them seriously. It should think about its legal responsibility and the Special Rapporteur's recommendations. It was not, as some argued, merely an internal dispute within Japanese social circles. Also, the matter should not be dropped simply because it had happened 50 years previously. The Japanese Government should note the approach adopted by the German Government and the Swiss banks regarding Second World War funds.

67. Mr. WEISSBRODT said that the Special Rapporteur's report had helped to expand on previous work by offering concrete strategies for curtailing violence against women and children, and had also noted that, even during times of peace, women and children were routinely subjected to violence and exploitation.

68. The devaluation of women and girls was widespread in many societies, and the international community should work against sexual violence and gender inequality, which were abuses that went beyond national boundaries. One aspect of the problem was illicit trafficking in women and children, and the fact that the Working Group on Contemporary Forms of Slavery had decided that it would focus on sexual trafficking at its May 1999 session, would give it an opportunity to address the subject within a global context and develop a common strategy.

69. While views differed concerning the situation of "sex-workers", most, if not all, concerned Governments, organizations and individuals agreed that there was a need to end the most grievous human rights abuses, including the abduction of women and children to force them into the sex trade. The Working Group might be able to focus on particular issues and particular regions of concern, such as southern Asia and South-East Asia and eastern Europe. The issue of sexual trafficking been further complicated by the fact that many traffickers currently used the Internet, so new strategies had to be developed to address the changing ways in which the trafficking industry operated.

70. The Sub-Commission should support the Working Group on Contemporary Forms of Slavery as it professionalized and regularized its efforts to combat the human rights abuses inherent in the sex trade, and the root causes thereof. Cooperation among all concerned Governments, organizations and individuals was critical to ensure the Working Group's effectiveness and that of its special session in May 1999. The Sub-Commission could work to establish some substantive recommendations to be implemented both nationally and internationally that would help to put an end to the practice of illicit trafficking.

71. Mrs. DAES said that the problem of systematic rape, sexual slavery and slavery-like practices during armed conflict was very acute. She supported the proposal that the study should continue. However, she had a different view from that of the Special Rapporteur regarding compensation of the "comfort women". Many dreadful crimes had been committed during the Second World War and, more than 50 years later, it was time to forget the past and set about promoting peaceful relations among peoples and nations, especially since the Japanese Government had made some arrangements to compensate the women and their families materially.

72. Mr. MAXIM, speaking as a member of the Working Group on Contemporary Forms of Slavery, said that the Group should endeavour to investigate in greater depth the causes of contemporary slavery. In many such contemporary forms, such as child labour, forced labour, trafficking and illegal adoptions, corruption played an important role. It was not always possible to blame Governments, many of which were simply not capable of dealing with the problem. Corruption had to be regarded as one of the major causes of human rights violations and of contemporary forms of slavery, and as such it should be condemned.

73. Mr. PARK, having commended the Working Group on Contemporary Forms of Slavery on having dealt with the role of corruption and the misuse of the

Internet for the purpose of sexual exploitation, expressed his support for its recommendation that the General Assembly should consider proclaiming 2 December as the day for the abolition of slavery in all its forms.

74. The Special Rapporteur's final report on systematic rape, sexual slavery and slavery-like practices during armed conflict (E/CN.4/Sub.2/1998/13) came at an opportune time, following as it did the adoption of the statute of the International Criminal Court. He fully supported her forthright, objective and balanced conclusions regarding the continued denial of legal responsibility by the Japanese Government for crimes of forced sexual slavery perpetrated by the Japanese Imperial Army on a massive scale during the Second World War. The report merited recognition and distribution as an official document in all the official languages.

75. Mr. LEMINE (Observer for Mauritania), speaking in exercise of the right of reply, said that the Sub-Commission had carried out an in-depth examination of the question of slavery in his country 20 years previously before deciding to wind up its study. It was somewhat ironic, therefore, that the topic was being relaunched following a magazine interview given by a former Mauritanian Government Minister. The issue, which possessed a high emotional charge, was being exploited by certain political circles in Mauritania following their failure at the ballot box. Baseless charges were being made for purely political reasons. The magazine interview seemed to expect readers to believe that the phenomenon of slavery had disappeared when the Minister concerned had taken office, and reappeared five years later when he had left office.

The meeting rose at 6.10 p.m.